

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

EVERYTOWN FOR GUN SAFETY
ACTION FUND, INC.,

Plaintiff,

v.

DEFCAD, INC.; ODYSEE USER
XYEEZYSZN; DEFCAD USER
XYEEZYSZN; ODYSEE USER
THEGATALOG-PRINTABLEMAGAZINES;
THE GATALOG; DEFCAD USER
FREEMAN1337; TWITTER USER
XYEEZYSZN; PHILLIP ROYSTER.

Defendants.

Civil Action No. 21-cv-08704
(PGG)

AFFIDAVIT OF SERVICE

I, Maria Sinatra, swear and state as follows:

1. I am over the age of eighteen (18) and am competent to attest to this declaration.
2. I have personal knowledge of the facts set forth and if called to testify I would testify competently to the facts in this declaration.
3. I am an attorney at Venable LLP, counsel for Plaintiff Everytown For Gun Safety Action Fund, Inc.
4. Pursuant to the court's order dated November 5, 2021 ("Order") [ECF 30], I served Defendant Odysee User TheGatalog-PrintableMagazines.
5. On April 25, 2022, I served a copy of the case materials to Defendant Odysee User TheGatalog-PrintableMagazines via email requesting a delivery receipt, the text of the email to the Defendant read:

Atten: Odyssee User TheGatalog-PrintableMagazines

Dear Sir or Madam:

You have been named as a defendant in a complaint filed by Everytown for Gun Safety Action Fund, Inc. ("Plaintiff") in the United States District Court for the Southern District of New York. Pursuant to the Order granting Plaintiff's Application for an Order to Show Cause (within link), the Court has permitted service in this matter via email. You are hereby served with the following documents accessible via this link: <https://venable.sharefile.com/d-s3b48b5d522184cce8741ff8405b3b616>

1. Complaint
 - a. Complaint Exhibits 1-5
2. Plaintiff's Application for Order to Show Cause
 - a. Memorandum of Law in Support of Application
 - b. Proposed Order Granting Application for Order to Show Cause
3. Declaration of Marcella Ballard in Support of Application for Order to Show Cause
 - a. Ballard Declaration Exhibits 1 and 2
4. Declaration of Delia Green in Support of Application for Order to Show Cause
 - a. Green Declaration Exhibits A-G
5. Declaration of Erin Galloway in Support of Application for Order to Show Cause
6. Declaration of Matthew McTighe in Support of Application for Order to Show Cause
7. Order Granting Order to Show Cause
8. November 30, 2021 Joint Letter Requesting Adjournment of Order to Show Cause Hearing Date
9. Order Granting Adjournment Request
10. Defendants' Letter Requesting Pre-Motion Conference
11. Plaintiff's Letter Response to Defendants' Request for Pre-Motion Conference Letter
12. Rule 7.1 Corporate Disclosure Statement for Plaintiff Everytown for Gun Safety Action Fund, Inc.
13. AO 120 Form Report on Filing of Action Regarding a Trademark
14. Summons Issued By the Clerk of the Court
15. Pro Hac Vice Order Regarding M. Kent
16. Pro Hac Vice Order Regarding A. Sharon
17. Notice of Appearance Regarding M. Sinatra
18. Civil Cover Sheet
19. Defendants' Memorandum of Law in Opposition to Preliminary Injunction and supporting declarations
20. Plaintiff's Reply In support of Preliminary Injunction and supporting declaration of D. Green with Exhibits
21. Order Adjourning December 15, 2021 Preliminary Injunction hearing
22. December 17, 2021 Order granting stipulation
23. Plaintiff's Letter Motion for Leave to Amend Complaint and Exhibits
24. Defendants' response to letter motion for leave to Amend Complaint
25. Order granting stipulated protective order
26. April 7, 2022 order of reference to magistrate judge
27. April 8, 2022 order requiring joint state update
28. Joint Letter submitted by parties regarding joint status update

Please confirm receipt of this e-mail, and please let us know immediately if you have any trouble accessing the linked documents. If we do not hear from you, we will assume you were able to access the linked documents without any trouble. Access to the link will expire on June 24, 2022.

In addition to the materials listed above provided in the sharefile link, the Court issued the following notice of hearing on April 20, 2022 for an initial pretrial conference set for May 18, 2022 at 2:30PM. **The Notice of Hearing was a text docket entry only, and accordingly, the text of the docket entry is provided below.**

NOTICE of Hearing: Initial Pretrial Conference set for 5/18/2022 at 2:30 PM in Courtroom 18D, 500 Pearl Street, New York, NY 10007 before Magistrate Judge Robert W. Lehrburger. Counsel shall jointly complete and file Judge Lehrburger's [Proposed] Civil Case Management Plan and Scheduling Order, which must be submitted in compliance with Judge Lehrburger's Individual Practices no later than one week before the initial case management conference. The parties need not reiterate material from their April 18, 2022 joint letter (Dkt. 85), and may simply reference it in the proposed schedule and order where applicable. If suitable for the case, the parties are encouraged to use Judge Lehrburger's model Joint Electronic Discovery Submission and Proposed Order. These forms are available on the SDNY website at [https://www.nysd.uscourts.gov/hon-robert-w-lehrburger.\(rsh\)](https://www.nysd.uscourts.gov/hon-robert-w-lehrburger.(rsh)) (Entered: 04/20/2022)

Sincerely,

Maria R. Sinatra, Esq. | Venable LLP

☎ 212.370.6247 | 📠 212.307.5598

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6. I received a automated notification from Microsoft Outlook stating that the delivery of the email to Defendant Odysee User TheGatalog-PrintableMagazines was complete.

7. I served Defendant Odysee User TheGatalog-PrintableMagazines via an email received from third-party Odysee.com pursuant to the Court's November 5, 2021 Order [ECF 30] in connection with Odysee User TheGatalog-PrintableMagazines's account. Such email has

been designated by the Defendants as HIGHLY CONFIDENTIAL – ATTORNEY EYES ONLY.¹

I swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

April 25, 2022

/s/Maria Sinatra

MARIA SINATRA

¹ Should the Court require or request information as to the specific email served in connection with Defendant Odysee User TheGatalog-PrintableMagazines, Everytown can file the information regarding the email under seal with the Court.